

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAURICE EMILE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-974
	)	Judge Nora Barry Fischer
SCI-PITTSBURGH, et al.	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above-captioned prisoner civil rights action was received by the Clerk of Court on June 30, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On September 24, 2006, the Court granted the Motion to Dismiss filed by Defendants Department of Corrections and SCI-Pittsburgh but denied the Motion as to the Defendants who, although not named in the caption, were named in the body of the Complaint.

On November 20, 2006, Plaintiff filed an Amended Complaint naming the following Defendants: Dobrzynski, Nas, Johnson, and Beard (doc. no. 54). On January 18, 2007, Defendants filed a Partial Motion to Dismiss Plaintiff's Second Amended Complaint against Defendants Dobrzynski and Beard. The Magistrate Judge's Report and Recommendation (doc. no. 73), filed on July 27, 2007, recommended that Defendants' Partial Motion to Dismiss (doc. no. 61)

be granted. Service was made on the Plaintiff at SCI Cresson, PO Box A, Cresson, PA 16699 and Plaintiff was informed that he had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 12th day of September, 2007

**IT IS HEREBY ORDERED** that the Partial Motion to Dismiss Plaintiff's Second Amended Complaint (doc. no. 61) is **GRANTED** and Plaintiff's claims against Defendants Dobrzynski and Beard are **DISMISSED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 73), filed on July 27, 2007, by Magistrate Judge Lenihan, is adopted as the opinion of the court.

s/Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

cc/ecf: Lisa Pupo Lenihan  
United States Magistrate Judge

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